

Charles Carreon (Cal. Bar # 127139)
Admitted *Pro Hac Vice*
2165 S. Avenida Planeta
Tucson, Arizona 85710
Tel: 520-841-0835
Fax: 503-296-5317
Email: chas@charlescarreon.com
Attorney for Defendant American Buddha

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PENGUIN GROUP (USA) INC.,

Case No. 09 CIV 00528 JGK

Plaintiff,

-against-

AMERICAN BUDDHA,

Defendant.

**NOTICE OF MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION AND
REQUEST FOR LEAVE TO ATTEND HEARING TELEPHONICALLY**

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, at a date and time to be determined by the Court, the undersigned attorney for Defendant American Buddha will move this Court before the Hon. John G. Koeltl, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an order pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure dismissing with prejudice the claims against it. Pursuant to Rule 6.1(b) of the Local Rules of the United States District Court for the Southern District of New York, any opposing affidavits and answering memoranda shall be served within ten business days after service of this motion. Defendant further requests leave for its counsel to attend the hearing via telephone.

Dated: July 21, 2011

Respectfully submitted:

Charles Carreon (California Bar # 127139)
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